

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

MAURICE ALLEN

Plaintiff

vs.

**DEERFIELD MFG. INC.,
A SUBSIDIARY OF
ICE INDUSTRIES**

Defendant

CASE NO. 1:02-cv-492
Judge Spiegel
Magistrate Judge Hogan

**JOINT MOTION TO EXTEND
SUMMARY JUDGMENT
BRIEFING DEADLINES**

Now come the parties, and for the reasons set forth in the attached memorandum, jointly request that the time for Plaintiff to respond to Defendant's motion for summary judgment be extended until December 5, 2003 and that Defendant's reply memorandum be filed on or before December 19, 2003.

No final pretrial and trial dates have been scheduled.

Respectfully submitted

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MEMORANDUM

Defendant filed a motion for summary judgment on October 17, 2003. Plaintiff previously requested, and was granted, an extension of time until November 20, 2003 to respond to Defendant's motion.

In preparing his response, Plaintiff's counsel realized that Defendant has not yet responded to discovery requests served on August 15, 2003, the date for the close of discovery. Plaintiff believes that the discovery responses are necessary to complete his memorandum in opposition to Defendant's motion. Defendant is also awaiting responses to discovery requests served on August 15, 2003.

In lieu of a motion under Fed. R. Civ. Pro. 56(f), the parties have agreed that counsel for Defendant will submit the outstanding discovery responses by December 3, 2003. Plaintiff will file his memorandum in opposition by December 5, 2003. Plaintiff will also provide responses to Defendant's pending discovery requests by December 5, 2003, and Defendant will file its reply memorandum in support of its motion for summary judgment on or before December 19, 2003.

In light of the foregoing, the parties jointly request that the time for Plaintiff's response to Defendant's motion be extended until December 5, 2003 and that Defendant's reply memorandum be filed by December 19, 2003.

Respectfully Submitted,

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